

REMARKS

The application is believed to be in condition for allowance.

There are no outstanding formal matters.

IT IS REQUESTED THAT THE UNDERSIGNED ATTORNEY BE CONTACTED BY TELEPHONE FOR AN INTERVIEW.

Claims 9-11, 13, 14, and 16 were rejected as anticipated by WHITAKER 2,172,266.

The dependent claims are believed allowable at least for depending from allowable claim 9.

WHITAKER does not anticipate. WHITAKER does not disclose a box for a set of electric storage batteries (claim 9).

The WHITAKER walls do not themselves directly stack.

WHITAKER does not disclose comprising at least two side walls (12, 14) extending parallel and defining between themselves a housing for receiving the batteries, wherein, the pair of wall elements (18, 20) are two horizontally opposed wall elements (18, 20) together forming a floor support for the batteries stored therebetween, and each of the two horizontally opposed wall elements form a floor support for one edge of each battery stored therebetween.

Further, WHITAKER does not disclose that the two horizontally opposed wall elements are separated from each other by an intervening air space so that the two horizontally opposed wall elements support each battery by opposite base edges of the

battery with a base area of the battery between the opposite edges unsupported and exposed to the intervening air space.

Therefore, this rejection should be withdrawn.

Claims 9-11 were rejected as obvious over TOYOSAWA 5,056,677.

TOYOSAWA discloses a small article holder adapted to hold or support a small article such as a wrapping film case, a booklet or a kitchen gadget. TOYOSAWA discloses a holder which comprises a pair of holder bodies, each holder body having a supporting section for supporting a small article to be held, and means for securing the holder bodies to a fixed structure such as refrigerator located in a kitchen area, said securing means being fixed to the back surface of each of the holder bodies.

However, TOYOSAWA does not disclose a box for a set of electric storage batteries (claim 9). TOYOSAWA does not disclose comprising at least two side walls (12, 14) extending parallel and defining between themselves a housing for receiving the batteries, wherein, the pair of wall elements (18, 20) are two horizontally opposed wall elements (18, 20) together forming a floor support for the batteries stored therebetween, and each of the two horizontally opposed wall elements form a floor support for one edge of each battery stored therebetween.

Further, TOYOSAWA does not disclose that the two horizontally opposed wall elements are separated from each other by an intervening air space so that the two horizontally opposed

wall elements support each battery by opposite base edges of the battery with a base area of the battery between the opposite edges unsupported and exposed to the intervening air space.

The stacking of multiple boxes for storing batteries is not believed obvious, taking into account the nature of batteries and necessary care therefor. The Official Action provides insufficient basis for judging such stacking obvious.

See that the elements are closed on all their front vertical sides. Consequently, the articles must be inserted vertically into the elements. Stacking the elements would, so, make it impossible to insert or extract a battery, except into or from the uppermost element.

In contrast, in the invention, due to the absence of a fixed front vertical wall, horizontal insertion/extraction of a battery is possible at any level of the stack without any need to remove the elements of the upper levels.

The obviousness rejection is not viable. Therefore, this rejection should also be withdrawn.

Claims 9-16 were rejected as obvious over SCHAEFER 2,916,161 in view of either one of BECKLEY 5,441,123 and IDO 6,326,103.

SCHAEFER does not disclose a pair of wall elements with two horizontally opposed wall elements (18, 20) together forming a floor support for any battery stored therebetween, each of the two horizontally opposed wall elements forming a floor support

for one edge of each battery stored therebetween, wherein the two horizontally opposed wall elements are separated from each other by an intervening air space. See Figures 1-2 of the application. The reference does not teach this structure, due to at least the single floor element 6.

See also that there is no disclosure of two horizontally opposed wall elements that support each battery by opposite edges of the battery with an area of the battery between the opposite edges being exposed to the intervening air space.

SCHAEFER has a classical single floor element which constitutes a full bottom of the container, and is acknowledged by the Official Action not to teach a space between the walls such that a base area of the battery is unsupported and exposed.

BECKLEY and IDO are each offered for vent holes. Note that in BECKLEY, the ventilation holes are on the top wall of the box.

At best, these references would only teach to drill holes in the bottom of SCHAEFER, and the recited structure would not result with the bottom being mere angled edges on which boxes or batteries could rest. To suggest that the combination would teach more is mere and pure hindsight.

These rejections should also be withdrawn.

Reconsideration and allowance of the examined claims are respectfully requested.

Examination of the withdrawn claims is requested as these claims have previously been examined and are drawn to a battery box with sidewalls and an open space between the walls.

Applicants thus believe that the present application is in condition for allowance and an early indication of the same is respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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